

A-6000
Special Permit Request

Construct a fence attached to a retaining wall, measuring a maximum of eleven feet, three inches (11'-3") in height along the north (rear) property line, and diminishing in height to seven feet, nine inches (7'-9") along a portion of the west (side) property line and seven (7) feet along a portion of the east (side) property line.

Ms. Susan Schmedes
Mr. John J. Gorman
45 West Lenox Street

45 West Lenox Street



Figure 1: View of the existing fence from inside the yard, looking north.



Figure 2: View of the existing fence from the Chevy Chase Club, looking southeast; the rock rubble has since been removed.



Figure 3: East (side) property line showing the diminishing wall height.



Figure 4: West (side) property line showing diminishing wall height.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of October, 2011 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6000
MS. SUSAN SCHMEDES
MR. JOHN J. GORMAN
45 WEST LENOX STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a special permit from the Board of Managers pursuant to Section 8-12 of the Chevy Chase Village Building Code to construct a fence attached to a retaining wall, measuring a maximum of eleven feet, three inches (11'-3") in height along the north (rear) property line, and diminishing in height to seven feet, nine inches (7'-9") along a portion of the west (side) property line and seven (7) feet along a portion of the east (side) property line.

The Chevy Chase Village Code § 8-22 (e) states:

No person shall construct any fence or wall at any location between the front building restriction line and the rear property line nor along any rear property line having a height greater than six and one-half (6- ½) feet. The measurement shall be made from the surface of the ground of the lower yard next to the fence or wall. With the written consent of the owner(s) of any adjoining property, a fence or wall of greater height than six and one-half feet at its highest point may be erected or permitted if a special permit is obtained from the Board of Managers.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.

This notice was mailed to abutting and confronting property owners on the 29th day of September, 2011.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-6000

**Ms. SUSAN SCHMEDES &
Mr. JOHN J. GORMAN
45 WEST LENOX STREET
CHEVY CHASE, MD 20815**

Adjoining and confronting property owners	
Mr. & Mrs. Cary M. Euwer, Jr. Or Current Resident 43 West Lenox Street Chevy Chase, MD 20815	Mr. & Mrs. Lawrence B. Gibbs Or Current Resident 5918 Cedar Parkway Chevy Chase, MD 20815
Ms. Emily Lawson & Mr. Tom Amis Or Current Resident 47 West Lenox Street Chevy Chase, MD 20815	Chevy Chase Country Club Or Current Occupant 6100 Connecticut Avenue Chevy Chase, MD 20815

I hereby certify that a public notice was mailed to the aforementioned property owners on the 29th day of September, 2011.



**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**

**Chevy Chase Village
Building Permit Application
for Fences & Walls**

Renew

Permit No: _____

Property Address: *45 West Lenox Street
Chevy Chase MD 20815*

Resident Name: *Susan + John Gorman*

Daytime telephone: *301 656 9201* Cell phone: *202 682 8253*

After-hours telephone:

E-mail: *SSGCHCH@aol.com*

Primary Contact for Project:

☐ Resident

☐ Architect

☒ Project Manager

☐ Contractor*

*MHIC/MD Contractor's License No. (required):

Contractor Contact Information:

Name: *Kathryn Everett, SDF BUILDERS*

Business: *12112 Auburn Road Thurmont MD 21788*

Daytime telephone: *301 538* After-hours telephone: *KATHRYN Cell - 202 465*

Fax: *2779* E-mail: *Kathryn@gordengate.net 5740*

Description of Fence or Wall Project: *Install a 5' fence to replace existing fence on new retaining wall. Fence to be solid board on board cedar as shown on attached plan, except for rear side abutting the Chevy Chase Club where fence will have a 2' trellis top of a 4' solid board bottom*

Check appropriate box:

☒ Fence or wall to be constructed is: (1) new, (2) an enlargement of an existing fence or wall, or (3) replacing an existing fence or wall with one of a different kind.

☐ Fence or wall to be constructed is replacing an existing fence or wall with the same kind and in the same location.

Parking Compliance:

Is adequate on-site parking available for the construction crews?

☒ Yes

☐ No

If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area.

Will road closings be required due to deliveries, equipment or other reasons?

☐ Yes

☒ No

To be completed by Village staff:

Is this property within the historic district?

Yes ☒

No ☐

Staff Initials: *B*

Date application filed with Village: *6/14/11*

Date permit issued: _____

Expiration date: _____

**Building Permit Application for Fences and/or Walls:
Filing Requirements**

*Application will not be reviewed until the application is complete
Village permits will not be issued until all county permits have been issued*

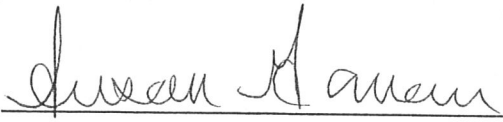
- ☐ Copy of stamped drawings approved by Montgomery Co. Dept. of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☒ This application form, signed by resident.
- ☐ Boundary Survey or Plat
- ☒ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☒ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☒ Filing Fee (due at time of application). Fee schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when permit is issued). Amount will be set by Village Manager.

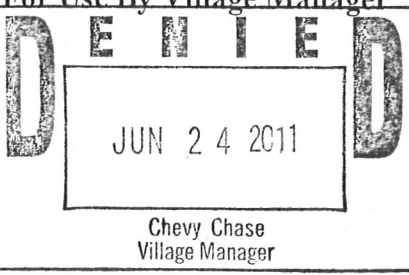
Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

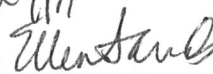
If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising any service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:  **Date:** 6/14/2011

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager 	Application denied for the following reasons:

Filing Fees (due when application submitted)	Checks Payable to:	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Permit Application Fee: <input checked="" type="checkbox"/> \$30.00 (if fence or wall is new, enlarged or replaced with different kind) <input type="checkbox"/> \$15.00 (if fence or wall is being replaced in-kind and in the same location) <input type="checkbox"/> \$50.00 (additional fee if construction is in the Right-Of-Way)		
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <input checked="" type="checkbox"/> Not required for this project		
TOTAL Fees: \$30.00	Date: 8/24/11 Staff Signature: 	
Damage Deposit/Performance Bond <input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Date: Staff Signature:	
For Village Staff use: Field file for inspections by Code Enforcement Officer has been created: <input type="checkbox"/> Yes (Date: _____)		

Chevy Chase Village

Application for a Special Permit

Chevy Chase Village Code Section 8-1(aa) defines a Special Permit as permission granted by the Board of Managers in accordance with Article II Division B of this Chapter [8], to construct, install, remove or alter a structure or planting, or take other action where such permission is required by this Chapter.

Subject Property: 45 West Lenox Street	
Describe the Proposed Project: Install a six foot fence on top of a retaining wall which measures four feet. (wall measures 5')	
Applicant Name(s) (List all property owners): John and Susan Gorman	
Daytime telephone: 301-656-9201	Cell: 301-706-2215
E-mail: ssgc@chc.ad.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 8/23/11	Special Permit No: A-6000

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Special Permit (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☒ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☒ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☒ Copy of Covenants, except for special permits authorized by Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☒ Applicable special permit fee listed in Chapter 6 of the Village Code.

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this special permit request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: Susan Gorman

Date: 8/21/2011

Applicant's Signature: John Gorman

Date: 8/21/2011

Describe the basis for the special permit request (attach additional pages as needed):

Describe the reasons why approval of the special permit would not adversely affect the public health, safety or welfare or the reasonable use of adjoining properties:

The existing fence was always on a retaining wall, albeit slightly shorter. The retaining wall is at grade and a six-foot wall is necessary because a pool is nearby and Montgomery County requires at least a five foot fence surrounding a pool.

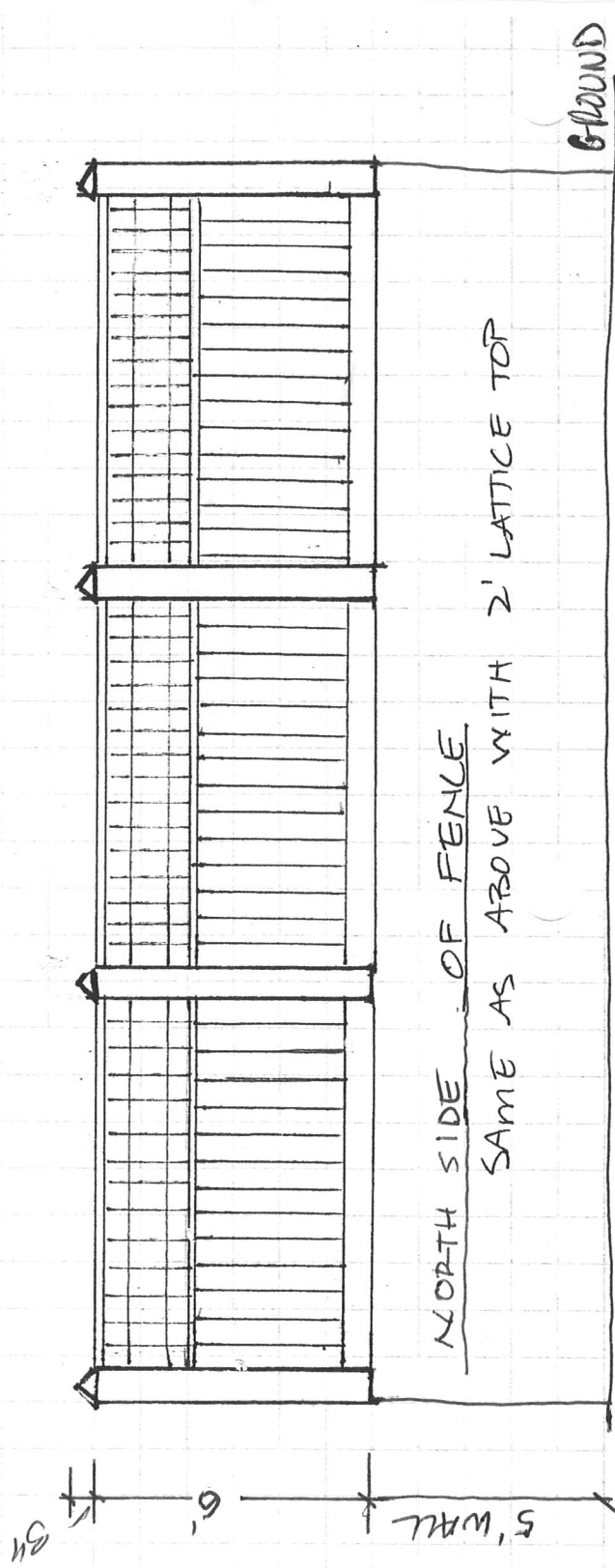
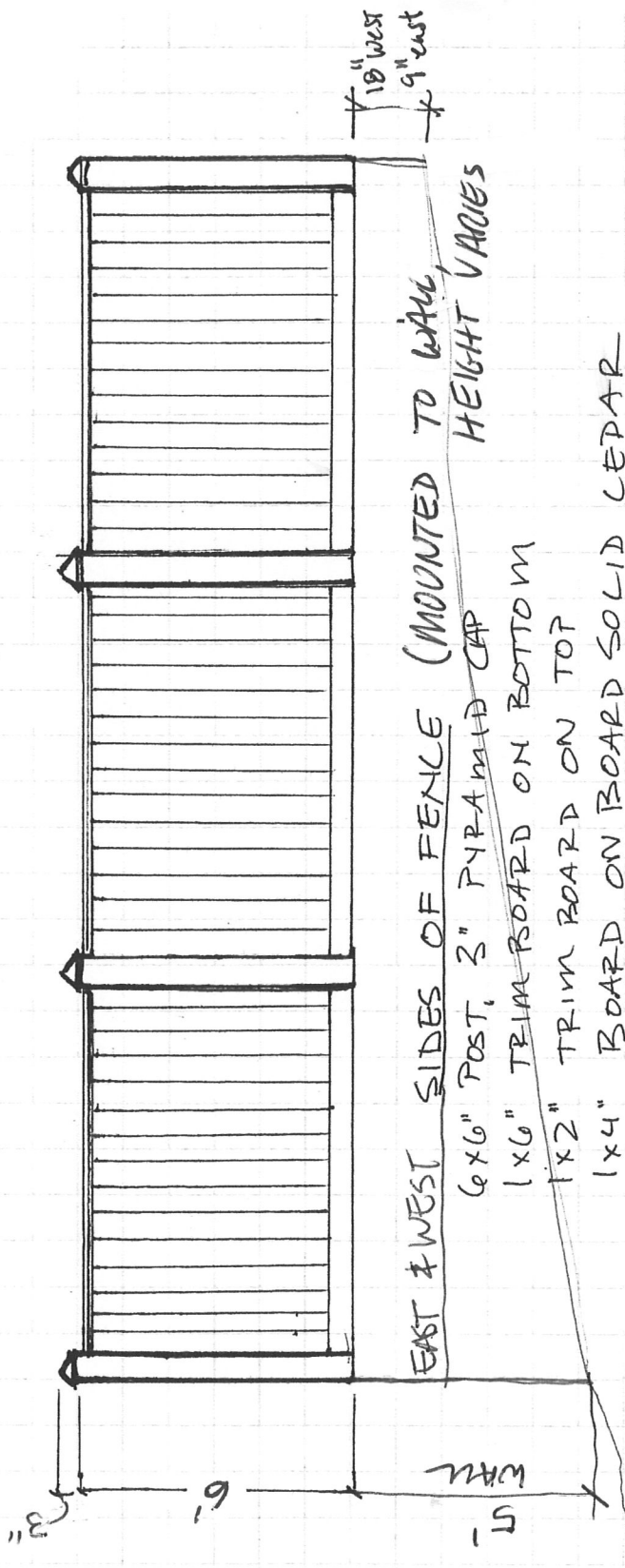
Describe the reasons why the special permit can be granted without substantial impairment of the intent and purpose of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:

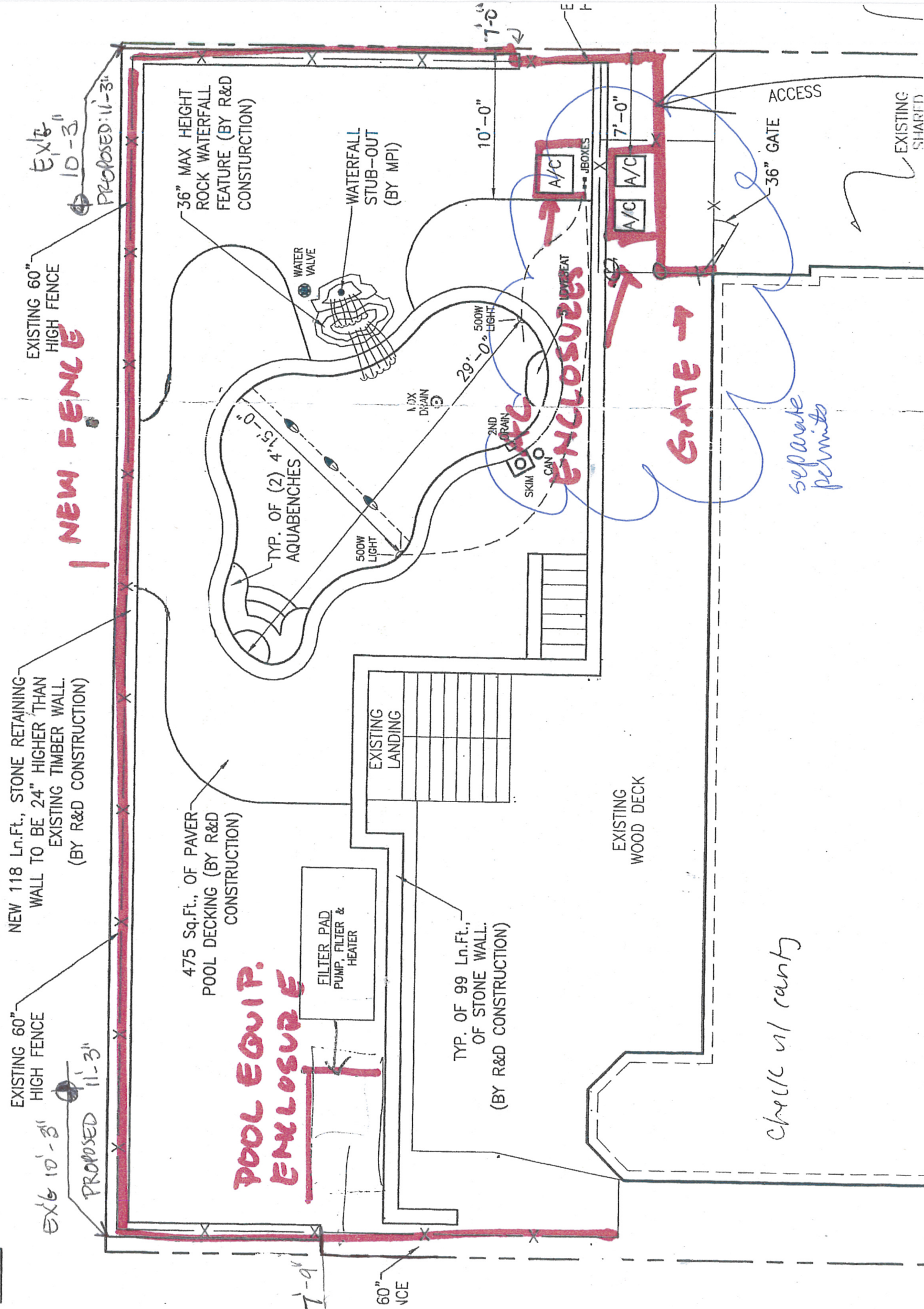
Both neighbors, the Ewings and the Lawsons agree to support the request and actually prefer that the fence be five feet high.

In exercising its powers in connection with a special permit request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

Special Permit Filing Fees	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
<i>Per Village Code Sec. 6-2(a)(24):</i> <input type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$2,250.00 for demolition of main building. <input type="checkbox"/> \$300.00 for demolition of accessory building or structure. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. Fee Paid: <input checked="" type="checkbox"/>	Date Paid: 8/23/11 Staff Signature: <i>Ellen Smith</i>

GERMAN FENCE
AS WEST LENOX STREET





CHEVY CHASE CLUB

Thomas F. Fitzgerald
President
Chevy Chase Club
6100 Connecticut Avenue
Chevy Chase, MD 20815

September 15, 2011

Ellen Sands
Permitting and Code Enforcement Officer
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

Dear Mrs. Sands,

The Chevy Chase Club grants its consent for the residents of 45 West Lenox Street in Chevy Chase, Maryland, to build a 6' fence on top of their retaining wall along the northern property line.

Should you have any questions or concerns, please feel free to contact our General Manager Luke O'Boyle, CCE at 301-652-4100 or gm@chevychaseclub.org.

Sincerely,



Thomas F. Fitzgerald
President

CCV Permitting

From: Amis, R. Thomas [rtamis@cooley.com]
Sent: Sunday, August 28, 2011 1:49 PM
To: CCV Permitting
Cc: Emily Lawson
Subject: The Gorman's request for fence height variance

As discussed on the telephone last week, we live at 47 West Lenox Street. Please be advised that we have no objection to the fence (including retaining wall) recently constructed by the Gormans next door and are fully supportive of the structure "as is." Without limiting the foregoing, we have no objection to the current height (including retaining wall) as constructed. In fact, we believe it to be quite attractive and well situated. Please do not hesitate to call me at the below number with any questions. Best regards, Tom Amis

R. Thomas Amis

Cooley LLP
777 6th Street, NW • Suite 1100
Washington, DC 20001
Direct: (202) 842-7879 • Cell: (202) 731-0814
Fax: (202) 842-7899
Email: rtamis@cooley.com • www.cooley.com

CCV Permitting

From: Cary Euwer, Jr. [ceuwer@metropolitanpartnership.com]
Sent: Friday, August 26, 2011 2:18 PM
To: CCV Permitting
Cc: Cary Euwer; Louise Baxter
Subject: Gorman Fence

Dear Ellen,

We have reviewed the situation with the fence surrounding the Gorman's new pool area and determined that we would like to have it remain as is without an increase to height or change in materials. The current fence matches our existing fence and effectively blocks sound transmission. Any new fence structure with openings in it would allow sound to transmit to our property.

Please let us know the final determination.

Cary M. Euwer, Jr.
President & CEO
Metropolitan Partnership, Ltd.
10740 Parkridge Boulevard, Suite 120
Reston, Virginia 20191
Phone: (703) 442-9500
Fax: (703) 448-7651
Cell: (703) 850-2924
e-mail: CEuwer@MetropolitanPartnership.com